

REMARKS:

The Examiner asserts that the Inventions of Groups I, II and III are related as subcombinations that are distinct because the combination as claimed does not require the particulars of the subcombination. In support of the requirement, the Examiner notes that inventions are distinct if it can be shown that 1) the combination as claimed does not require the particulars of the subcombination, and 2) that the subcombination has utility by itself or in other combinations.

However, there are two criteria for a proper requirement for restriction between patentably distinct inventions: 1) The inventions must be independent or distinct as claimed; and 2) There must be a serious burden on the examiner if restriction is required. *MPEP 803.01*. With respect to the first requirement, the term “distinct” means that two or more subjects disclosed are related, are capable of separate manufacture, and are patentable over each other (i.e. novel and unobvious). *MPEP 802.01*. With respect to the second requirement, a serious burden on the examiner may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, or separate status in the art, or different field of search. *MPEP 803*.

All of the claims either include or are for a door jamb assembly including a sill structure disposed between and connected to ends of a pair of vertically extending jamb members, a header structure disposed between and connected to opposite ends of the jamb members, at least one vertically extending mullion disposed between the jamb members, and a spacing member. The spacing member of claims 1, 13, 18 and 19 includes a body structure with a pair of opposing surfaces, one of the surfaces having a mullion-supporting surface to support the mullion thereon, the other of the opposing

surfaces having a contoured sill-engaging surface to generally conform to a topographic configuration of the sill, wherein the body structure is configured such that, when the sill-engaging surface is engaged with the sill, the mullion-supporting surface is oriented generally horizontally.

A similar if not identical search would be conducted for all claims. It will be inefficient to prosecute the claims separately in three separate applications. Although the inventions as defined by the Examiner are classified in separate subclasses, all are classified in Class 52. Applicants submit that examination of all claims 1-31 would not be a serious burden on the Examiner, and therefore the restriction requirement is improper.

In light of the above, Applicant traverses the restriction requirement, and respectfully request withdrawal of same. Notwithstanding the traverse, Applicant elects Invention I, comprising claims 1-12. It is believed that no fee is due for this submission. Should that determination be incorrect, then please debit Account 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', with a stylized flourish at the end.

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